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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,406	01/12/2001	Keith A. Lowery	066241.0117	2308

7590 08/05/2004
Baker Botts L.L.P.
2001 Rose Avenue
Dallas, TX 75201-2980

EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,406

Applicant(s)

LOWERY ET AL.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30,95-101 and 105 is/are pending in the application.
- 4a) Of the above claim(s) 31-94 and 102-104 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30,95-101 and 105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>attached</u> . |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/01, 4/19/01, 7/24/02, 11/11/02</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-105 have been examined and are pending with this action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-30, 95-100, 101, and 105, drawn to Multi-computer data transferring via shared memory, classified in class 709, subclass 213.
 - II. Claims 31-50 and 102, drawn to Master/slave computer controlling, classified in class 709, subclass 208.
 - III. Claims 51-74 and 103, drawn to Accessing a remote server, classified in class 709, subclass 219.
 - IV. Claims 75-91 and 104, drawn to Computer to computer direct memory accessing, classified in class 709, subclass 216.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Keiko Ichiye (Reg. No. 45,460) on July 28, 2004, a provisional election was made with traverse to prosecute the invention of group I, claims 1-30, 95-100, 101, and 105. Applicant in replying to this Office action must make affirmation of this election. Claims 31-94 and 102-103 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-30, 95-101, and 105 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (US 6,330,605 B1).

INDEPENDENT:

As per claims 1, 16, and 101, Christensen teaches of a method and a system for dynamic distributed data caching comprising logic and means for: providing a cache community (see col.2, lines 60-63) comprising at least one peer (see col.3, lines 3-6), each peer having associated first content portion indicating content to be cached (see col.1, lines 37-51) by the respective peer (see col.3, lines 17-18); allowing a client (see Fig.4 and col.6, lines 57-62) to join the cache community (see col.8, lines 39-40); updating peer list (see col.8, lines 46-51) associated with the cache community to include the client, the peer list indicating the peers the cache community (see col.5, lines 58-65 and col.6, lines 40-51); and associating a respective second content portion with each peer based on the addition the client, the second content portion being distinct from the first content portion (see col.7, lines 47-53 and col.8, lines 4-7).

As per claims 95, 98 and 105, Christensen teaches a method and a system for dynamic distributed data caching comprising logic and means for: communicating a community request from a dynamic cache module to an administration module (see col.6, lines 26-36); receiving a community list (see col.8, lines 46-51) from the administration module in response the community request, the community list including a list of communities (see col.6, lines 37-43); generating a join request to attempt to join a one of the communities in the community list (see col.8, lines 39-43); receiving an allow message associated with the one of the communities (see col.6, lines 23-28); receiving a peer list associated with the one the communities (see col.8, line 46-51);

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receiving a content request (see col.1, lines 37-51 and col.2, line 65 to col.3, line 13); and storing content associated with the content request (see col.1, lines 37-51).

DEPENDENT:

As per claims 2 and 17, Christensen teaches of further comprising: receiving a join request from the client (see col.8, lines 39-41); and determining whether allow the client join the cache community (implicit: see col.8, lines 41-43).

As per claims 3, 18, 97, and 100, Christensen further teaches wherein the join request comprises a CRMSG_REQUESTTOJOIN data message (see col.8, lines 39-43).

As per claims 4 and 19, Christensen further teaches wherein allowing the client to join the cache community comprises: generating an allow message (see col.6, lines 23-28); associating the peer with the allow message (see col.6, lines 40-51); and communicating the allow message to the client (implicit: see col.6, lines 23-28).

As per claims 5 and 20, Christensen further teaches wherein allowing the client to join the cache community comprises: generating an allow message comprising the peer list updated to include the clients (see col.5, lines 58-65 and col.6, lines 23-28); communicating the allow message to the client (implicit: see col.6, lines 23-28); and communicating the allow message to at least one member associated with the cache community (see col.6, lines 34-36 and col.7, lines 47-53).

As per claims 6 and 21, Christensen further teaches wherein the allow message comprises a CRMSG_UPDATEPEERLIST data message (see col.5, lines 58-65 and col.6, lines 40-43).

As per claims 7 and 22, Christensen further teaches wherein peer list associated with the allow message comprises updated peer which includes the client (see col.6, lines 23-36 and col.7, lines 47-53).

As per claims 8 and 23, Christensen further teaches wherein the peer comprises a computer (see col.6, lines 57-62).

As per claims 9 and 24, Christensen further teaches wherein a one of the peers comprises a member (see col.7, lines 47-49).

As per claims 10 and 25, Christensen further teaches wherein one of the peers comprises a master (see col.6, lines 37-40).

As per claims 11 and 26, Christensen further teaches wherein associating a respective second content portion comprises: allocating respective second content portions peers in the peer list (see col.5, lines 58-65 and col.7, lines 47-49); and updating an allocation table indicate the second content portion associated with the peers (see col.7, lines 47-49).

As per claims 12 and 27, Christensen further teaches wherein the second content portions are distinct (see col.21, lines 26-32).

As per claims 13 and 28, Christensen further teaches wherein at least two of the second content portions overlap (see col.21, lines 32-40).

As per claims 14 and 29, Christensen further teaches wherein the first and second content portions respectively comprise a plurality Internet Protocol domain names (see col.1, line 64 to col.2, line 5).

As per claims 15 and 30, Christensen teaches of further comprising removing the association between the first content portions and the peers (see col.9, lines 58-63).

As per claims 96 and 99, further teaches wherein the community request comprises a CRMSG_WAKEUP data message (see col.6, lines 28-36).

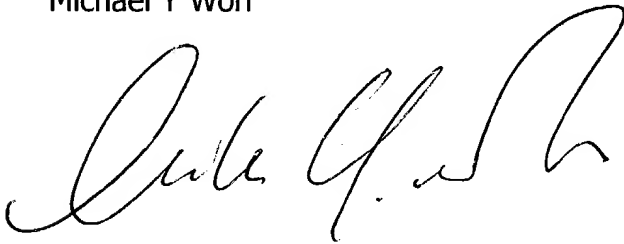
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



July 28, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER